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FM AMEMBASSY SAN SALVADOR
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1149
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE
RHMCSUU/FBI WASHINGTON DC
RHMFISS/DEPT OF HOMELAND SECURITY WASHINGTON DC 0359
RUEABND/DEA HQS WASHDC
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC

C O N F I D E N T I A L SAN SALVADOR 000486

SIPDIS

E.O. 12958: DECL: 05/28/2019
TAGS: [PGOV](#) [PREL](#) [KJUS](#) [ES](#)
SUBJECT: CONSTITUTIONAL PROHIBITION ON ELECTRONIC

SURVEILLANCE REMOVED

REF: SAN SALVADOR 390

Classified By: Charge d'Affaires, for reasons 1.4 (b) and (d)

11. (SBU) In a major step forward for law enforcement, the Salvadoran Legislative Assembly unanimously approved May 27 the second reading of a constitutional amendment on electronic surveillance, paving the way for the Assembly to adopt implementing legislation. The previous Assembly, whose term ended April 30, had unanimously approved the same amendment April 29 (reftel). (Note: Amending the Salvadoran Constitution requires majority approval of an amendment by one Assembly and two-thirds approval by the subsequent Assembly.) The amendment, now in force, establishes that any electronic intercept must be authorized by a court based on written petition from a prosecutor.

12. (SBU) The Assembly is still discussing a draft law that will, inter alia, establish which crimes are subject to electronic surveillance, procedures for their use, and sanctions against public employees that illegally intercept electronic communications. In an unusual arrangement to assuage concerns held by both (conservative) ARENA and the (left-wing) FMLN, legislative negotiators have agreed that implementing legislation will require a two-thirds vote for passage and subsequent amendment, effectively requiring both major parties to be in agreement on its passage and any subsequent changes.

13. (C) Comment: We are pleased that Salvadoran law enforcement is one step closer to having this important investigative tool at its disposal. Embassy has worked closely with both major parties to shape a favorable outcome. We believe that the pending change of administration in the executive branch from ARENA to Mauricio Funes, who was elected President on the FMLN's ticket, should not cause any loss of momentum. Unanimous support of the constitutional amendment in the Assembly leaves us cautiously optimistic that implementing legislation is not far behind.
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